

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BSG RESOURCES (GUINEA) LIMITED, BSG
RESOURCES (GUINEA) SARL, and BSG
RESOURCES LIMITED,

Plaintiffs,

v.

GEORGE SOROS, OPEN SOCIETY FOUNDATIONS,
OPEN SOCIETY INSTITUTE, FOUNDATION TO
PROMOTE OPEN SOCIETY, OPEN SOCIETY
FOUNDATION, INC., ALLIANCE FOR OPEN
SOCIETY INTERNATIONAL INC., OPEN SOCIETY
POLICY CENTER, and OPEN SOCIETY FUND,

Defendants.

No. 1:17-cv-02726 (JFK) (OTW)

NOTICE OF DEFENDANTS' MOTION FOR SANCTIONS

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Defendants' Motion for Sanctions; the Declaration of Benjamin P. McCallen in Support of Defendants' Motion for Sanctions and all prior papers and proceedings herein, Defendants will move this Court, before the Honorable Ona T. Wang, at the United States Courthouse, 500 Pearl Street, Room 20D, New York, New York 10007, for an order, pursuant to Federal Rule of Civil Procedure 37, (i) awarding Defendants their reasonable attorneys' fees and costs for their successful motions to compel production of the LCIA and ICSID documents; (ii) awarding Defendants monetary sanctions in the form of their fees and expenses associated with their efforts to obtain the LCIA and ICSID documents; (iii) dismissing the Amended Complaint with prejudice or, in the alternative, precluding Plaintiffs from challenging the preclusive effect of the LCIA decision in this action; (iv) awarding Defendants their reasonable attorneys' fees and costs

incurred in making this motion; and (v) any other, further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order on August 17, 2021, Plaintiffs shall serve any papers in response by September 20, 2021, and Defendants shall reply by September 27, 2021.

Dated: September 3, 2021
New York, New York

WILLKIE FARR & GALLAGHER LLP

By: /s/ Benjamin P. McCallen
Benjamin P. McCallen
Joseph T. Baio

787 Seventh Avenue
New York, New York 10019
Telephone: (212) 728-8000
jbaio@willkie.com

Elizabeth J. Bower

1875 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 303-1000
ebower@willkie.com

Attorneys for Defendants

TO:

REED SMITH LLP

Louis M. Solomon
Michael S. Lazaroff
599 Lexington Avenue
New York, New York 10022
Telephone: (212) 521-5400
lsolomon@reedsmith.com
mlazaroff@reedsmith.com

KATTEN MUCHIN ROSENMAN LLP

David J. Stagman
525 West Monroe Street
Chicago, Illinois 60661-3693
Telephone: (312) 902-5200
david.stagman@katten.com

Attorneys for Plaintiffs